

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 5/2/11
TIME: 11:30 AM

Hunter -v- Kaufman Enterprises, Inc., CV-09-5540 (JS) (AKT)

TYPE OF CONFERENCE: **TELEPHONE STATUS CONFERENCE**

APPEARANCES: Plaintiff William Timmons
Defendant Dov Kesselman

THE FOLLOWING RULINGS WERE MADE:

1. Today's telephone conference was scheduled to discuss Plaintiff's pending motion for leave to file an Amended Complaint [DE 36] and to clarify the Court's March 30, 2011 Electronic Order which stated that "all remaining discovery deadlines are hereby extended to 60 days following the Court's decision on Plaintiff's motion."
2. For the reasons set forth on the record at today's conference, the Plaintiff's motion to amend is hereby DENIED. The parties were informed that a written Memorandum and Order would follow in the short term. Counsel can Order a copy of the transcript if needed by contacting my Courtroom Deputy.

Notwithstanding this ruling, Plaintiff's counsel is permitted to file an Amended Complaint solely for the purpose of clarifying the retaliatory termination claim. Defendant's counsel indicated that barring any unforeseen issues, it would stipulate to such a filing. Plaintiff's counsel was given until May 16, 2011 to either file on ECF the executed stipulation and Amended Complaint or submit a letter advising the Court why a stipulation is not feasible.

3. Plaintiff's counsel confirmed with the Court that plaintiff intentionally dropped the Title VII claim for hostile work environment in the proposed Amended Complaint. Plaintiff's counsel will file a Stipulation formally withdrawing this claim expeditiously.
4. With regard to the March 30, 2011 Electronic Order, the Court advised the parties that the quoted text "all remaining discovery deadlines" was in error and should have read "all remaining pre-trial deadlines" as the deadline to complete discovery was March 22, 2011. The Court confirms that the 60 day extension only went to the filing of the Pre-Trial Order and the date for the Pre-Trial Conference. Since Plaintiff's motion has now been decided, these dates are extended as follows: Deadline for submission of the proposed joint Pre-Trial Order is July 5, 2011; and the Pre-Trial Conference will be held on July 11, 2011 at 2:30 p.m.
5. The Court was informed that the Plaintiff served additional discovery demands after the March 22, 2011 deadline. Plaintiff's counsel was instructed to post on ECF both sets of discovery demands (as well as an e-mail request identified by Defendant's counsel) so the Court can review what was previously requested by the Plaintiff. Defendant's counsel can file a 2-page letter with whatever objections he has to the additional discovery (in addition to timeliness) by the morning of May 5, 2011.

SO ORDERED

/s/ A. Kathleen Tomlinson

A. KATHLEEN TOMLINSON

U.S. Magistrate Judge